(XLIVth YEAR.) THE (No. 2218.)

MARYLAND GAZETTE.

THURSDAY, JULY 16, 1789.

Proceedings of Congreſs.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

WEDNESDAY, *June* 17.

[*Continued from our laſt.*]

MR. STONE aſked, what qualities were neceſſary for an appointment that were not requiſite for diſmiſſing? Information, impartiality and judgement, in the buſineſs to be conducted. Were not the ſame qualities neceſſary in order to diſmiſs? He was not able to ſubſcribe to the principle, that the executive in its nature comprehended a neceſſary power of appointing or removing officers—Why did it imply it? The appointment of officers requiring qualities which are neceſſary to judge of the merits of men; ſo the diſmiſſing them—to know what was neceſſary for an executive officer; what for a judge, &c.

This knowledge was acquired by experience, and might belong to one body of men as well as another. In the nature of things, therefore, there was no neceſſary connexion between the executive functions and the power of removal. That body which could beſt judge of the qualities neceſſary to tranſact buſineſs were the moſt proper diſpoſers of offices, and if it was contended that the executive magiſtrate was in the beſt ſituation, and under the beſt advantages to judge of theſe qualities, ſtill this was a mere matter of fact, which might depend upon circumſtances, and the nature of the office did not neceſſarily involve the capacity of judging, or imply the power of exerciſing that judgment.

Mr. Stone then took notice of the principles which had been contended for, in another view, as it applied to the ſituation of other nations where a hereditary monarch was eſtabliſhed, who had a perſonal property in the government and adminiſtration, and who was conſidered as the natural fountain of honour and office.—It was ſuppoſed that he had neceſſarily the power of chooſing and controling thoſe who were to manage his property.—But this had no application to our country, where the chief magiſtrate had no ſpecies of property in the government, and was not the maſter, but the great ſervant of the people.

Theſe circumſtances concurred to prove that the preſident of the United States had no natural right to be the ſole judge of the merits of officers; and as far as he could conclude from examining the conſtitution, it never intended to beſtow it upon him.

It therefore ſtruck his mind, that all control of officers independent of the agency of the ſenate, was confined to the caſe of ſuch inferior officers, the appointment of which the conſtitution had enabled the legiſlature to veſt ſolely in him. It ſtruck him alſo, that as to the power of pardoning, the preſident ſhould be precluded in the exerciſe of this power, in caſe where the ſenate had convicted an offender.—So that it appeared to him, that the ſenate were a body to whom the conſtitution had given great weight in the executive ſcale, and in the adminiſtration of government.

In determining whether it was proper on the ſcore of expediency to give the power to the preſident, or to him with the ſenate—the degree of confidence which was to be placed in thoſe bodies were to be conſidered—Was it more probable, he aſked, that one man ſhould do wrong, or that a number of men, choſen with equal care, and acting under the ſame obligations, ſhould do wrong? Where were the greateſt temptations? Where were the greateſt obſtacles? Who would have the greateſt objects to attain?

He concluded with propoſing, that the preſident ſhould have the power of ſuſpenſion, in order to remedy a difficulty which had been ſuggeſted in caſe of a receſs of the ſenate when it became neceſſary to puniſh an officer by removal.

Mr. Madiſon.—I feel the importance of the queſtion before us, as our deciſion will be a permanent expoſition of the conſtitution in this point, and as on this deciſion will depend, in a great degree, the genius and character of our government. On the determination which will now take place, will depend, perhaps, the preſervation of the government on that equal balance which the conſtitution deſigned. It is therefore of the utmoſt importance that we weigh the ſubject with the moſt cautious deliberation. I own, to you, I feel an anxiety on this ſubject. I feel anxious, becauſe I am called on to give my voice on a queſtion which may affect the fundamental principles of the government. But all that I can do, on an occaſion of this kind, is, to weigh the arguments which have been advanced on both ſides, with an honeſt deſire to diſcover the truth, and to form my opinion under the influence of an attachment to that ſpirit of liberty which this conſtitution is happily calculated to preſerve.

Several conſtructions have been put on the conſtitution, relative to the point in queſtion. It has been contended, that the power of diſplacing from office is ſubject to a legiſlative diſcretion, which is to create and to modify.—At firſt ſight, Sir, this doctrine appears conſiderably plauſible. But when I conſider that a prime object of the conſtitution was to maintain a marked inſtitution between the legiſlative, executive, and judicial departments, and when I conſider that the legiſlature, on this principle of diſcretion, may tranſfer, at their pleaſure, powers from one department to another—that they may narrow the executive, confer new powers on the ſenate, and enlarge the general maſs of their own authority; when I conſider the conſequences of this doctrine, and compare them with the true objects of the conſtitution, I own I cannot ſubſcribe to it.

Another doctrine, which has a very reſpectable patronage, is, that when an officer is appointed, he can be removed only by impeachment, for ſome miſdemeanor in office. This would give a permanency to the executive ſyſtem, which would be more incompatible with the genius of republicaniſm than any principle that could be advocated. The danger of liberty, the danger of deſpotiſm has never been found to ſpring ſo much from the difficulty of procuring virtuous men to fill the offices of government, as the difficulty of diſplacing thoſe who have been found unworthy of truſt. If it be ſaid that an officer, when once appointed, ſhould not be removed without a crime and conviction, I would be glad to know what ſecurity there would be for the faithful adminiſtration of the government.—Every individual between the higheſt and loweſt link in the long chain of executive magiſtracy, would find a ſecurity which would greatly relax his fidelity in the diſcharge of his duty.

A doctrine which ſtands moſt in oppoſition with the principle we have contended for is, that the power to make appointments implies in its own nature a power of removal as incidental to it. If nothing more was ſaid in the conſtitution than that the preſident, with the ſenate, ſhould appoint officers, there would be force in the obſervation, that the power of diſmiſſing reſults from the power of appointing. But, Sir, there is another part of the conſtitution as explicit as that on which the gentlemen found their doctrine: It is that which declares, that the executive power ſhall be veſted in the preſident of the United States. The aſſociation of the ſenate with the preſident in the exerciſe of one particular executive function, is an exception to this general principle; and exceptions to general rules are ever taken ſtrictly. But there is ſtill another part of the conſtitution which, in my judgment, clearly favours the conſtruction I give. The preſident is required, Sir, to take care that the laws be faithfully executed. If the faithful execution of the laws be required at the hands of the executive magiſtrate, it ſhould ſeem that in general the conſtitution muſt have intended that he ſhould have that ſpecies of power in all its extent, which is neceſſary to accompliſh the purpoſes of the department, and to enable him to anſwer for their accompliſhment. Now if the officer, when once appointed, is not to depend for his official exiſtence upon the preſident, but upon a diſtinct body, (for where there is a mutual negative, either alone can ſecure this dependence) I do not ſee how the former can provide for the execution of the laws. It is true, that by a circuitous mode he may obtain an impeachment, and gain the concurrence of the ſenate; but will not this deprive him of that control which is eſſential to a reſponſibility for the adminiſtration?

There is another maxim which ought to direct us in expounding the conſtitution. It is the opinion of all great civilians and political writers, that the great departments of government ought to be preſerved ſeparate and diſtinct. That in any caſe where they are blended together, it ought to be under ſpecial reſtrictions and guards. This is laid down as eſſential to liberty. When, therefore, we review the ſeveral parts of the conſtitution, which provide that the legiſlative powers ſhall be veſted in two houſes, and the executive in a preſident, with certain exceptions, we muſt conclude, that the intention of the conſtitution was, that theſe departments ſhould be kept perfectly ſeparate, where they were not expreſsly mixed, and that we ought to conſtrue the inſtrument in ſuch a manner as to confound them as little as poſſible.

Sir, every thing which relates to the merits of the queſtion, as diſtinguiſhed from a conſtitutional queſtion, ſeems to turn on the danger of ſuch a power veſted in the preſident. But when I conſider the checks which will attend the preſident in the exerciſe of it, I confeſs I feel no apprehenſions. If there are any dangers incident to that power, they muſt belong to it wherever it exiſts, whether you place it in one body or another. I will not repeat what has been ſaid with reſpect to the mode of the preſident's election, and the extreme improbability that any citizen will be ſelected from the common maſs, who is not diſtinguiſhed by his virtue and worth. In this alone we have an unuſual ſecurity for the faithful exerciſe of the power.—But leaving that out of the queſtion, let us conſider the obligations and reſtraints he will feel when placed in that exalted reſponſible ſtation. Perhaps, as has been obſerved, the great danger ariſes from the continuance of unworthy men in office; but ſo is the ſyſtem contrived, that though the preſident may be veſted by law with a power of removal, he is reſtrained and prevented from continuing a corrupt officer. For if an unworthy man be not diſplaced by the ſupreme executive, the houſe of repreſentatives may at any time impeach him, and he may be removed in ſpite of the preſident. But it is contended that the danger conſiſts in this, that the preſident may remove from office a man whoſe merit requires that he ſhould be continued in it. Let us conſider what motives he can have for ſuch an abuſe of power, and what will be the checks on him. In the firſt place, he himſelf will be impeachable for the wanton removal of a meritorious officer, and will himſelf be removed from his high truſt. Again, what can be his motive for diſplacing a worthy man? It muſt be with the expectation of filling the vacancy with ſome unworthy favourite. Can he accompliſh this himſelf? Muſt he not conſult the ſenate? They may reject the perſon he nominates. Sir, he can have no ſecurity for ſucceſs in his projects. The ſenate will judge of them by the merits and character of the perſon removed; and having been guilty of one obnoxious meaſure, he will himſelf thereby furniſh a check to his own deſign: but let us conſider the conſequence. The injured man will be ſupported by the public opinion. The community at large will take ſide againſt the preſident—and combinations will be produced which may effectually prevent his re-election. To diſplace a man of high merit, and one who, from his ſtation, may be ſuppoſed a man of extenſive influence, will excite jealouſies, and create an intereſted oppoſition in the ſyſtem, and in the people. He will have his friends, his dependents, and the public ſympathy on his ſide, and if it ſhould not give birth to an impeachment in the legiſlature, it would probably produce a fatal impeachment before the community at large. But ſuppoſe the perſecuted individual ſhould not be able to accompliſh the object of his reſentment in this way, there are other modes in which he can be very troubleſome to the preſident. If he has not influence enough to direct the vengeance of the whole community, in all probability he will be able to obtain appointments in one or the other branch of the legiſlature, and poſſeſſing weight and talents, he will be able at leaſt to give him conſiderable diſturbance. We have ſeen, in the hiſtory of other nations, examples that juſtify the remark I now make. Though the prerogative of the Britiſh king is great, and his reſources of influence extenſive and commanding, there have been examples of his miniſters being oppoſed, and removed by the deciſion of one branch of the legiſlature.——If this be the caſe with a hereditary monarch, poſſeſſed of ſuch high prerogatives, and furniſhed with ſuch means of influence, can we ſuppoſe that a preſident of the United States, elected for four years only, dependent on the popular voice, impeachable by the legiſlature, and not perhaps diſtinguiſhed in point of wealth or perſonal talents from the head of the department himſelf, can we ſuppoſe, I ſay, that, in defiance of all theſe conſiderations, he will preſume wantonly to diſmiſs a meritorious and virtuous officer from his ſervice? I own it is an abuſe of power which exceeds my imagination, and of which I can form no rational conception. But let us not contemplate the dangers only on one ſide. Veſt this power in the ſenate, jointly with the preſident, and in my opinion you deſtroy that great principle of reſponſibility, which was intended for the ſecurity of liberty itſelf. Veſt the power in the preſident, the chain of dependence is this—The officer of the loweſt grade, the officer of the middle and higher grades, will be dependent on the preſident, and he again on the people—The chain of ſecurity, therefore, terminates in the general community, who will poſſeſs, in aid of their great original power, the deciſive engine of impeachment. Take the other ſuppoſition, that the power ſhould be veſted in the ſenate, upon the principle that the power to diſplace is neceſſarily connected with the power to appoint. Subordinate appointments may depend upon the heads of departments—and they muſt therefore remove. I ſee here a very different proſpect preſent itſelf. Where ſhall we find the reſponſibility? Where does it terminate? If you begin with an inferior officer, he is dependent on his ſuperior, and he again on his ſuperior, and ſo on till you come to the ſenate, a permanent body; a body, by the ſingular mode of their election, exiſting in reality for ever; a body that poſſeſſes that portion of ariſtocratic power which the conſtitution has wiſely eſtabliſhed. Shall we truſt the ſenate rather than the whole community? For though the ſenators will not hold their offices for life, yet the fact is, that they will not poſſeſs any reſponſibility whatever, which can make it ſafe to truſt them with ſuch a power.

But, Sir, what an aſpect will it give to the executive department? Inſtead of keeping it diſtinct from the legiſlative, you tranſfer its beſt powers to a body in which the conſtitution never veſted it; you render the executive merely ſubſervient to the other branch, you

destroy its responsibility and defeat the purposes for which an executive was established.—Sir, the laws cannot be executed but by officers chosen for the purpose; and the control over the officer must be in the executive power. If any other doctrine be admitted, what is the consequence? certainly, Sir, that you may go on with equal reason, and set the senate at the head of the executive department. You may declare that all officers shall hold their places during the pleasure of either branch of the legislature. And by this means you may link together branches which the preservation of liberty requires to be constantly separated.

But, Sir, another species of argument has been urged against the clause—It has been said that it is improper, or at least unnecessary, to come to any decision on the subject. It has been said, that it will be officious in this branch of the legislature to expound the constitution, so far as relates to the division of power between the president and senate.—Sir, it is undoubtedly of as much importance to this branch as to any other, that the constitution should be preserved entire: It is our duty as well as interest to take care that its principles be adhered to. A breach in the constitution in one point, may lead to a breach in another. A breach in this point, may destroy that equilibrium in the government, by which this house maintains its share of authority. I do not think we can be charged with officious interference, as this bill, before it can have effect, is to be submitted to both those branches who are particularly interested in it. The senate may negative it—The president may object to it.

Sir, an objection strongly urged is, that the legislature itself has no right to expound the constitution; that whenever its meaning is doubtful, you must leave it undecided till the judiciary shall be called on to declare its meaning. I conceive, that in the ordinary course of things, the exposition of the constitution devolves on the judiciary. But I beg to know on what principle it can be contended that any one department derives from the constitution greater powers than another, in declaring what are the true limits of the constitution. We have a great charter which assigns certain great boundaries and fences to the several departments of government. If these constitutional boundaries be brought into question, I cannot conceive why any one of those independent branches has not a right to express its sentiments.

This is perhaps an omitted case; there is no one government, that I know of, in which provision is made for a particular authority to determine the great constitutional limits, and the great division of power between the branches of government. In all systems there are points which must be settled by the branches themselves, and to which no other power is competent. If they cannot be, there is no resource left, but the will of the community to be collected, either by the mode which our constitution provides, or by a mode dictated by necessity. It is therefore a fair question before us, whether the great point may not as well be decided by the whole legislature as by a part—by us, as well as by the executive or judiciary. As it will be equally constitutional, it cannot be less safe, that the explanation should come from the legislature, particularly as it comprehends all those branches whose powers can be affected by it; besides, Sir, I do not see how the question could be brought before the judges, were the right of determining assigned to them. If there is any part of the government from which an opinion on this capital point can come with singular advantage, it is this house, who being not so immediately interested, can form their opinion, and express their sense, with less bias than any other. My conclusion from these reflections is, that the clause is perfectly constitutional; that it expresses the meaning of the constitution, as a fair construction must explain it, and that it is not only consistent with liberty, but more favourable to it than any other possible interpretation.

Mr. Gerry was clearly of opinion with the gentleman last on the floor, that it was of importance to decide the question on its true principles. He declared he should be ready to oppose every encroachment of the legislature on the just rights of the executive. He considered himself bound not only by an oath, but by an obligation equally strong, that of honour. Gentlemen had laboured to prove the constitutionality of the clause.—He said he had listened to their arguments, and was convinced that the clause was as inconsistent with the constitution as any set of words which could be inserted in the bill.

There appeared to be two questions. One, whether the people had delegated to the government at all the power of dismissing at pleasure.—The other was, to whom it belonged. As to the first, he agreed that the power had been delegated. It seemed to be proved by the arguments of the gentlemen, that otherwise the clause in the constitution respecting the judges was nugatory. As to the second question, it was agreed that the power must rest in some department. He believed that gentlemen in support of the clause, would agree that this house did not possess the power, any more than the judges.—It lay therefore either with the president, or the president and senate. And if so, it appeared to him, that the clause, in either case, was useless.—For if the senate would assent to the clause when set up by the house, they would assent to the provision contained in it when the president should exercise it. If the senate thought the power ought to be vested in the supreme executive, they would freely consent to his using it, if not they would reject this clause.—In either case the clause was nugatory.

[To be continued.]

HERMANSTADT, *March* 19.

ADVICES from the defile of Torzburg inform us, that on the 9th inst. about 60 Turks appeared near the village of Ruckur. Their intention was probably to reconnoitre the environs; for after firing a few shot against our advanced posts, they retired towards Kimpolung. The next day prince Hohenloe arrived at Torzburg; and, notwithstanding the badness of the roads, visited all the advanced posts, and examined the situation of the environs. The second regiment of Wallachian infantry is destined to defend the defile of Torzburg. The second battalion of that regiment, under the command of major Rinsfield, will guard the advanced posts. The dispositions of the major are not only defensive, but seem to be such as to enable him to act offensively, if necessary.

PARIS, *April* 2.

Though every thing is quiet respecting political affairs, the dearness of bread has given occasion to very violent tumults in some of the southern provinces. At Aix, Marseilles and Toulon, the riots have been carried to a great height. The count de Montfera, who had rendered himself obnoxious to the people, was obliged to retire to his house: Here he was pursued and besieged; and unfortunately firing on the multitude, by which a man was killed, he was at length dragged from his house, and *literally torn in pieces* by the populace. The bishop of Sisteron narrowly escaped with his life, but was so ill-treated, that it is supposed he will not long survive. On the other hand, the count de Mirabeau (the Wilkes of the people) has been every where conducted in triumph. On his entry into a town where he was elected a deputy for the Third Estate, the windows were let at two guineas, for seeing the procession; not only the horses, but the wheels also were taken from his carriage, and he was thus carried on the people's shoulders.

VIENNA, *(Germany) April* 17.

The emperor's indisposition has returned with such alarming symptoms, that he has expressed a desire to have, and has had, the sacrament administered to him.

Seven thousand Turks have began hostilities, by attacking the advanced post of Vallie-mulicri—they were well received, and finally routed—Their loss 253 killed—our's 10.

LONDON, *April* 18.

Extract of a letter from Vienna, March 28.

"Some authentic accounts from Moldavia inform us, that hostilities are already begun in those countries. A numerous troop of Turks made an incursion as far as Okna. In this single town was an advanced post of 18 volunteers, who were surprised by the Turks, and all, except two, killed. The Turks afterwards set fire to the town, and retired. In their retreat many villages met the same fate. They have since retired to Fokschan."

Extract of a letter from Vienna, March 31.

"We learn, with the greatest satisfaction, that his majesty the emperor is better, and within these two days he has left his bed, and dressed himself. The fever quitted him; his strength is so far returned as to enable him to give his directions relative to the different branches of administration, but his majesty is not well enough to appear in public, on which account there will not be any circle at court on Sunday next."

April 26. We learn from Constantinople, that the captain pacha is employed half the day at the arsenal and in the docks, where he opens his purse very freely to encourage the workmen, whilst at the same time he keeps up a severe discipline. He keeps also a vigilant eye on the police of the capital, to prevent any tumults, and perserve the peace. The Asiatic troops are defiling fast in great numbers to the army, and a considerable train of artillery went the latter end of February to the grand vizier. The captain pacha persists in his plan of attempting a descent on the Crimea, and he has requested to have 24,000 men, to embark on the flotilla and the grand fleet for this purpose. This plan is proposed to oblige the Russians to reinforce the army of prince Potemkin, and draw their troops from other parts. An army of 100,000 men, under a Seraskier, is preparing to face that hitherto commanded by field marshal Romanzow, and the grand vizier is to oppose the Austrians on the Danube. Independent of these three general points, the Turks will have a fourth army in Bosnia of 50,000 men, which are near the army formerly under marshal Laudohn.

If we add these terrible preparations to those that are making in the north, two belligerent fleets in the Baltic, and several light squadrons, two armies in Finland, the motions of the Danes, the fire which a single spark may light in Poland, and the designs which are manifest enough in other powerful courts, the present moment may be deemed pregnant with events of the first magnitude and importance.

May 2. The king will not go this year to Hanover—positively.

His majesty, and the prince of Wales are perfectly reconciled to each other.

Prince William Henry is arrived at Spithead in 21 days from Halifax.

May 4. At Paris, there has been an alarming insurrection—A capital manufacturer having unintentionally offended the common labourers, they assembled in great numbers to pull down his works, &c.—He applied to the military for protection—the military came, and were attacked by the mob, who killed several of the soldiers—The military were then reinforced, and a dreadful slaughter ensued, in which more than 600 persons were killed. The scene was the Faubourg de St. Antoine.

PHILADELPHIA, *July* 7.

We learn by the last accounts from Europe, that the war between the Turks, Swedes, Russians, &c. is likely to be renewed this campaign with redoubled vigour, and that in all human probability France and England will be involved in the bloody contest. An English fleet of 16 sail of the line, we are assured, is already preparing for the Baltic.

Extract of a letter from William Cooper, of the city of Burlington, dated Cooper's Camp, June 2, 1789. *(His encampment is about 145 miles from Philadelphia, and about 7 miles west of the northern road.)*

"Respecting the navigation of the Susquehanna, I may inform thee, that a boat built by myself and two hands in one day, and without tar, carried a burthen of 3 tuns from the Otsega Lake down to Onongauge, which is a distance of about 70 miles.

"Kettles are much wanted here for making pot-ash and sugar. This last article is an object of greater consequence than is commonly supposed.—In a former letter, I mentioned that 30 hogsheads had been made at our settlement the last season; but upon inquiry, I find they have exceeded that quantity—and that some of those who had proper kettles, made their sugar equal in appearance to any Muscovado. The New-England people value a sugar-tree equal to an apple. Each tree is said to yield 5lb. of sugar; 50 trees are found upon one acre. In common, where they set their kettles, three hands will make 1500lb. in a season: say three weeks.

"Although, from the local situation and scarcity of provisions, this country is not so readily settled as I supposed, yet if favoured with health, I shall complete the sale of the several tracts in this neighbourhood in the course of this season; being in the whole about 28,000 acres. However difficult our Pennsylvania farmers may make the settlement of this country, I can assure thee that I shall this day complete the sale of 10,000 acres, which will have 40 families upon it in the course of this and the next summer. The contracts for this land are made with men of character; and it is my judgment, and also that of the settlers, that the soil is excellent for grain and grass."

Annapolis, July 10, 1789.

By virtue of a DEED of TRUST from captain ALEXANDER TRUEMAN, to the subscriber, will be SOLD, at PUBLIC SALE, on the sixth day of August next, the following PROPERTY, that is to say:

THAT valuable and well situated LOT and IMPROVEMENTS in this city, lately occupied by Mr. THOMAS PRICE, and where Mr. WILLIAM REYNOLDS formerly lived. This lot, and the improvements, with its advantageous situation, are too generally known to need a particular description.

Also a TRACT of fertile and valuable LAND, being part of MONOCACY MANOR, in Frederick county, containing about one hundred and thirty-three acres.

Also four LOTS of LAND, containing fifty acres each, all adjoining, to the westward of Fort Cumberland, in Washington county.

Also the INTEREST of captain TRUEMAN in the LOT whereon the THEATRE stands, and one other LOT where Mrs. CLARKE lately lived.

Also a TRACT of LAND, in Bedford county, in Virginia, situate near James River, containing nearly six hundred acres.

The sale to be at the house first above mentioned, and on CREDIT, the extent of which will be made known on the day of sale. SPECIE CERTIFICATES and FINALS will be received at a rate to be agreed on. tf

1 G. DUVALL.

Pig-Point, July 1, 1789.

Pursuant to the last will and testament of PHILIP HOPKINS, late of Anne-Arundel county, deceased, will be SOLD, at PUBLIC SALE, on the first day of August, 1789,

THAT valuable TRACT of LAND called HOPKINS's FANCY, containing about two hundred acres, situated within three miles of Pig-Point, whereon is a comfortable DWELLING, TOBACCO HOUSE, and other OUT HOUSES, with an excellent APPLE ORCHARD. Further particulars and terms will be made known on the day of sale. w 5

RICHARD HOPKINS.

N. B. The above plantation was advertised for sale in the Maryland Gazette of the fifteenth of April last, when Stephen West threw in a caution to hinder the sale thereof; but the right by my late father's will, laying undoubted in me, (which on the day of sale said will will be produced, or to any person previous thereto, if desired.) Therefore I intend proceeding to sell according to the direction of said will, when the purchasers may be assured of a good and sufficient title from 1 05 7/16 R. H.

DOCTOR FENDALL,

Operator upon TEETH,

IS now in this city.—Those that are disposed to apply to him, will find him at Mr. STEVENS's, where he may be consulted in all disorders of the TEETH, GUMS, SOCKETS, &c.—The Doctor's continuance in Annapolis will be but for a few days, as he is on his way to BATH, and Baltimore.—The Doctor still sells his DENTIFRICE, which is infinitely superior, he thinks, both in elegance and efficacy, to any thing hitherto ever made use of for the teeth and gums.—'Tis a most powerful Antiscorbutic, united with the most Balsamic and Antiputrescative substances—There is nothing in the composition but what is of the softest and smoothest kind—Free from every thing that is in the smallest degree injurious.

Annapolis, July 15, 1789. 1

A LIST of LETTERS remaining in the Post-Office, Annapolis, which, if not taken up before the fifth day of October next, will be sent to the General Post-Office as dead letters:—

ZACHARIAH ALLEN, Chaptico.

Besuchutch de Bagues, Annapolis; John Brown, Prince-George's county.

Samuel Chase, esq. John Carroll, John Callahan, Annapolis; Elizabeth Chew, Kent Island; Henry H. Carroll, Carrollsburg; Joseph Caffarence, near Nottingham; John Chamberlaine, Patuxent; Clerk of the General Court of the western shore, Maryland.

Richard Dallam, Annapolis; Robert Duvall, near Herring-bay; captain William Davis, Kent Island.

William Fitzhugh, jun. Annapolis; Mrs. Franceway, near Mount Pleasant.

John Gwine, Annapolis; Andrew Garretty, Upper Marlborough.

Samuel H. Howard, Mary Anne Howard, Annapolis; James Hutchings, Kent Island.

Mr. Johnson, care of Thomas B. Hodgkin, Annapolis; Mrs. Candice Johnson, near major Snowden's works.

John Kilty, Annapolis.

——— Lowndes, Annapolis; captain Joseph Leonard, of the ship Olive Branch; Aaron Levering, (2), Patowmack.

Luther Martin, Annapolis; Reuben Merriwether, near Annapolis.

Samuel Paxon, Lt. Patrick, 6th foot, Annapolis; Polly Page, near Nottingham; William Pierce, Lower Marlborough.

John Rogers, John Randall, Annapolis.

William Smith, care of Richard Fleming, Vachel Stevens, Alexander Sawrie, surgeon's-mate, 6th foot, Annapolis; Bernard Shanly, Upper Marlborough.

Peter and Gilbert Totten, Annapolis, N. S.

John Weems, jun. care of William Cook, Mr. Ward, Annapolis.

F. GREEN, D. P. M.

*** All persons sending to the Post-Office for letters, are requested to send the money, as none will be delivered without. 1

Saint Mary's county, July 6, 1789.

NOTICE is hereby given, that a petition will be presented to the next general assembly of Maryland, to establish a warehouse for the reception of tobacco, at the Head of Cynoco-neck Creek. 1

London-town, July 15, 1789.

RAN away from the subscriber, a young negro fellow, named DICK, about five feet six inches high, of a deep black complexion and smooth face, he is about 18 years of age. I imagine he conceals himself in the neighbourhood. Whoever brings him home to the subscriber, shall receive one dollar if taken within two miles from home, two dollars if four miles, three dollars if eight miles, and if out of the county eight dollars, paid by 1X6 7/6 w JOHN SEFTON.

NOTICE.

By virtue of a decree of the honourable chancery court of Maryland, will be EXPOSED to PUBLIC SALE, at the late dwelling house of BENJAMIN HOWARD, deceased, on Patapsco river, in Anne-Arundel county, on the 20th day of August next, at 12 o'clock,

ALL that part of a tract or parcel of LAND called YATES's INHERITANCE, containg about 240 acres; on this tract of land are erected a convenient dwelling house, and sundry other valuable improvements; it is situated on Patapsco river, and is well calculated for farming, or a gentleman's country seat.—There is an inexhaustable bank of iron ore, of the first quality, on this tract of land, which may be easily transported to any distance by water, and has heretofore been worked to considerable advantage. The terms of sale are, one third of the purchase money, with interest, in twelve months; one other third, with interest, in eighteen months, and the remaining third in two years. Bonds for the purchase money will be required, with two good and approved securities, and the land will be conveyed when the purchase money and interest are paid.

RICHARD RIDGELY, WILLIAM HAMMOND, } Trustees.

Baltimore, July 7, 1789. 2

JUST PUBLISHED,

And to be Sold at the Printing-Office,

(Price Fifteen Pence,)

AN

Introductory Discourse

TO AN

ARGUMENT IN SUPPORT

OF THE

PAYMENTS MADE OF BRITISH DEBTS

INTO THE

TREASURY OF MARYLAND

DURING THE LATE WAR, 2

BY JOHN FRANCIS MERCER,

ATTORNEY AT LAW.

Mr. RICHMOND

INFORMS his friends, that he hath taken passage, for London, on board of the ship Goliath, now lying at Baltimore—that she is expected to sail in the course of the month of August next, and begs leave to request, that such of them as incline to consign tobacco to him, will be pleased to provide the same as soon as possible. He will wait upon his friends for their orders, and provide craft to transport their tobacco to the ship; but as his rides will be very long it may not be in his power to visit all of them, in less than five weeks.

Annapolis, July 1, 1789. 2

June 30, 1789.

ATTENDANCE will be given at the next Charles and Saint-Mary's county courts, by the subscriber, for the purpose of receiving all balances due to the present, or any of the late PRINTERS of the MARYLAND GAZETTE; and he earnestly entreats those indebted to take that opportunity of paying off their respective arrears. He in a particular manner requests the subscribers in those counties to the late edition of LAWS, to be prepared by that time to comply with the terms of their subscriptions, which alone will relieve him from difficulty, and save trouble and expence to themselves.

FREDERICK GREEN.

All persons whatever, indebted as aforesaid, are also requested to assist the printers with what may be due them; this is essentially necessary to the future prosecution of their business, and to enable them to discharge their own debts. 3

American Balsamic Ointment,

INVENTED and prepared by William Logan, and sold by William Alexander, near the Dock, Annapolis, at ten shillings the phial, containing two ounces.

This ointment cures all tumors, imposthumes, ulcers wounds occasioned by fire-arms or sharp instruments, burnings and scaldings, however bad (even by lightning,) and quite obliterates the scar in every process. It cures also all poisonous stings, and bites of venomous creatures, and insects—It cures all nasty ulcers in the legs, or elsewhere, and if the bone be effected, it will scale it without any instrument, and bring up bad flesh from the bone—it taketh away suddenly all redness, pimples, and sun-burns—a green wound dressed with it will never putrify--it cures the head-ache by anointing the temples; the stomach being anointed with it, no infirmity will harbour there, neither imposthumes nor consumptions of the lungs can harbour near it, the body being anointed with it—it helps the cholic and iliac passions, the worms and piles—it is a sure remedy for rheumatic pains, by anointing the place for three or four days together, twice a day—it is a certain remedy for all kinds of gout, &c. &c. &c. This medicine is known by none but the maker.

The son of Nicholas Green, of Charles county, was, for two years, afflicted with the rheumatic pains, and in four days, by anointing with this balsam, he was able to walk abroad.

Mrs. Leeke, of Annapolis, was afflicted with a severe head-ache, and by anointing her temples with this balsam, she was relieved in a quarter of an hour.

The son of John Humphreys, of Annapolis, was afflicted with the ague and fever, and by anointing with this balsam across the navel, it quite relieved him.

Captain Mortimer, in Annapolis, had been troubled with a sore leg for six months, and by this balsam, was relieved in a few days, and is perfectly well.

Mrs. Sewell, of Talbot county, had her teeth loose, and was in such severe pain with the tooth-ache that she could have no rest, by applying this balsam, in one night her teeth were fast and her pain gone.

Richard Lockay's son, of Annapolis, was afflicted with waxen kernels, and with a large bile the size of a hen's egg, and by applying this balsam, it quite dispersed the whole.

N. B. Said Logan has also another balsam that will relieve the palsy in a short time. 9X

Twenty Dollars Reward.

RAN away from the subscriber's quarter in Loudon county, early in last month, a negro man named GEORGE, he is about 20 years of age, about 5 feet 7 or 8 inches high, his nostrils are remarkably wide, he sometimes complains of a wart on the bottom of one of his feet, which makes him a little lame; he is a likely sensible fellow: He had on a green jacket and overalls, osnabrig shirt, an old hat, shoes and stockings, and took with him a Dutch blanket, a blue broad cloth coat and breeches, a blue jacket without sleeves, and sundry other cloaths—He has been seen near this town since he ran away. Whoever will apprehend the aforesaid negro, and deliver him to the subscriber, or secure him in any gaol, so that he may be got again, shall receive the above reward, and if taken out of this state and brought home, all charges paid.

PHILIP R. FENDALL.

Alexandria, Sept. 30, 1788. 30

NOTICE is hereby given, that the subscriber intends to prefer a petition to the next general assembly, praying an act to enable her to convey certain lands contracted for by THOMAS H. HALL, late of Washington county, deceased, agreeable to the last will and testament of said deceased. w8

BARBARA HALL, Executrix of Thomas H. Hall. 9

CASH,

For Continental Loan Office, Depreciation, or Final Settlement Certificates, and Indents.

Such as want Depreciation or other Certificates to pay for Property purchased of the State, may be supplied at any Time, & with any particular Amount wanted, for Cash, by

tf 9 James Williams.

For SALE or BARTER.

A Quantity of Land in Patents, from 250 to 1000 Acres, situate in Bottetourt and Monongahela Counties, Virginia, will be sold very low for Cash, Produce, any kind of Certificates or Indents, good Bonds, Land, or other Property in the State of Maryland. For Terms apply to 9 J. W.

Annapolis, May 12.

RAN away from the subscriber, a young NERGO MAN, called DAVY, on the 13th of March, 1789; his dress is an osnabrig shirt, and cotton waistcoat and breeches; it is probable he will change his dress as he has other cloaths; he is an artful, deceiving fellow, about 5 feet 3 or 4 inches high, and stole a large sum of money two or three days before he went off: it is thought he is gone off with his overseer, ROBERT JACKSON, who is gone away with Joshua Pearce's wife. Whoever takes up and secures the said negro, shall be entitled to EIGHT DOLLARS REWARD.

tf 7X ELIZABETH RAWLINGS.

JUST PUBLISHED,

And to be SOLD,

At the PRINTING-OFFICE,

Price One Dollar,

THE

LAWS

OF

MARYLAND,

PASSED AT

NOVEMBER SESSION,

Seventeen Hundred and Eighty-Eight.

ALSO,

THE

VOTES and PROCEEDINGS

OF

BOTH HOUSES 10X

OF THE

GENERAL ASSEMBLY.

A VENDUE STORE.

IN the house formerly occupied by the late Mr. JOHN JOHNSON, the subscriber to sell by auction (on a low commission) takes in STORE and HOUSEHOLD GOODS of every description. As the situation of the house is in every respect calculated for the business, which, together with his utmost exertions to render every satisfaction on his part, by his punctuality, secrecy, and that dispatch which circumstances will admit of, he hopes to merit the approbation of a discerning public, tf

Who am their's,

11 Much devoted to please,

MICHAEL SHANNON.

N. B. The days of sale will be on Wednesdays and Saturdays, and goods taken in at any time.

FOR SALE,

A VALUABLE tract of LAND, near Queen-Anne, part of BOWDEL's CHOICE, containing about four hundred acres: it is well adapted for tobacco and grain, and as it is presumed the person inclined to purchase will depend on his own judgment, it is needless to say much in commendation of the said land. To be SOLD also, the reversion of the land and improvements on which Mrs. Margaret Murdock now lives, and in which she has a life estate. For terms apply to Mr. Benjamin Hall, near the premises, or to the reverend Clement Brooke of St. Mary's county.

3 6w ADDISON MURDOCK.

Prince-George's county, June 25, 1789.

Pig-Point, June 17, 1789.

The subscriber has for SALE, remaining on hand, ABOUT 400l. cost of goods, at the above place;—amongst which are—two rich square looking-glasses, in burnished gold frames, varnished with rich carved ornaments and medalion and canopy tops, 37 inches by 21, two oval ditto, 27 by 19, three elegant square mahogany Pembroke tables, one dozen neat mahogany satin hair cloth bottomed chairs, one dozen neat Florida mahogany chairs, with loose seats, covered with black leather, plated candlesticks, and sundry other articles necessary for furnishing a house, too tedious to mention, which will be sold very low for ready cash or a short credit. Any person inclinable to purchase may apply to the subscriber, at the above place, on Saturdays.

SAMUEL LANE.

N. B. All persons indebted to me are desired to make payment immediately, as no further indulgence can be given, by 3X S. L.

Frederick county, Maryland, June 9, 1789.

NOTICE is hereby given, that the subscribers will apply to Frederick county August court next for a commission under the act of assembly, entitled, An act for marking and bounding lands, as well to fix, mark and bound, the lines of a tract of land called CARROLLSBURG, as our particular parts thereof.

SAMUEL CLELAND,
CHARLES ROBISON,
JAMES YOUNG,
2 WILLIAM BROWN, sen.
WILLIAM BROWN, jun.
ROBERT BROWN.

June 24, 1789.

ALL persons indebted to the estate of SAMUEL BROGDEN by bond, note or open account, are requested to make immediate payment to 3w

2 WILLIAM BROGDEN, Administrator.

St. Mary's county, June 15, 1789.

COMMITTED to my custody, as a runaway, a negro man by the name of PHILL; he is about six feet high, and appears to be about twenty-one or two years old, has on an old osnabrig shirt, and blue cloth trousers, and says he belongs to Lanta Wade, in Prince-George's county, near Broad Creek. His master is desired to take him away, and pay charges to

1 PHILIP FORD, Sheriff.

TAKEN up by the subscriber, living near the mouth of Monocacy, as a stray, a dark bay MARE, about thirteen hands and an half high, with a star in her forehead, and a little white spot on her back and near buttock, about seven or eight years old, branded on the near shoulder S. P. in a circle, or something like it, and shod before. The owner is requested to take her away and pay charges.

JOHN HARWOOD.

Montgomery county, June 22, 1789. 2

ST. JOHN's COLLEGE.

AT a meeting of the visitors and governors of SAINT JOHN's COLLEGE, the subscribers were appointed a committee, with adequate powers, for superintending and carrying on the building, and were directed particularly to have therein two rooms finished and prepared, with all convenient dispatch, for the purpose of opening a mathematical and a grammar school, under a professor for each.

The said committee was requested to advertise, that the visitors having already appointed John M'Dowell, A. M. professor of mathematics, have determined to appoint, at their ensuing quarterly meeting, on Tuesday the 11th of August next, a professor of languages, to receive, in quarterly payments, for his services, a salary of 300l. per annum, to commence one calendar month before the opening of his school, in consideration of his advice and assistance in preparing for the same.

This is therefore to give notice, that the subscribers have entered upon the discharge of their trust; and to request all persons qualified for and desirous of being appointed to the professorship of languages in the said college, on the terms aforesaid, to make application, either in person or by writing, to the visitors at their said next quarterly meeting, or in the mean time to make application to the subscribers.

JAMES BRICE,
4 CHARLES WALLACE,
RICHARD SPRIGG,
THOMAS HYDE,
THOMAS HARWOOD.

Annapolis, May 25, 1789.

June 24, 1789.

ALL persons indebted to the subscribers by bond, note or otherwise, are requested to make immediate payment; attendance will be given at Queen-Anne for that purpose, by WILLIAM BROGDEN. As an indulgence longer than the first of August cannot be given, it is hoped those indebted will comply, and prevent our adding to the docket of August court.

3w 2 WILLIAM BROGDEN and CO.

RAN away on the seventh inst. a mulatto man named FRANK; he is about twenty years of age, middle-sized, gray eyes, and pretty well made; his cloaths are uncertain. He was, some time before this elopement, taken up and put into prison in Harford county. Whoever secures the said fellow, so that I get him again, shall be paid TWO GUINEAS, and if delivered to me, THREE GUINEAS. w3

RICHARD DARNALL.

June 20, 1789. 3X

NOTICE is hereby given, that we, the commissioners appointed to build a court house, prison and prison yard, at the Head of Elk, in Cæcil county, intend to petition the general assembly at their next session, for a further sum of money to be levied on the inhabitants of said county, to enable us to finish and complete said court house, prison and prison yard.

JOSEPH GILPIN,
6 ZEBULON HOLLINGSWORTH,
EDWARD OLDHAM,
JOSEPH BAXTER.

Cæcil county, May 1, 1789. w8

Annapolis, February 18, 1789.

For SALE,

A PLANTATION, on the north side of Severn river, containing about 400 acres, under good fencing, bounding on the river Severn, about five miles distant from Annapolis, with a very good framed dwelling house, with brick ends and cellar, and very convenient out houses thereon, an orchard of excellent young fruit trees.

A description of the soil, wood, timber and situation, are thought unnecessary, as no person would purchase who would not examine the premises. This property will be sold for any state or continental securities, good assigned bonds, or six years credit on bond with security, upon the regular payment of interest at five per cent. per annum. Apply to

19 JAMES RINGGOLD.

ALL persons having claims against the estate of Mr. JOHN JOHNSON, late of this city, deceased, are requested to bring them in properly authenticated, and those indebted to the estate are most earnestly called on to make immediate payment to the subscriber, that he may be quickly enabled to discharge the claims against the estate. The very great indulgence which the debtors generally have experienced from the deceased, will, I hope, induce many to pay the proper attention to this advertisement; those who neglect may depend that suits will be instituted against them to November court, without respect to persons.

13 ROBERT JOHNSON, Administrator.

In pursuance of a decree of the honourable the chancellor of the state of Maryland, the subscriber will EXPOSE to PUBLIC SALE, on the premises, the following property, lying in Queen-Anne's county, and Chester-town.

A TRACT of LAND called Darland, containing seventeen hundred and fifty acres, about four miles from Chester mill; one other TRACT of LAND called Lloyd's-town, containing one thousand acres, about the same distance from the Head of Chester River. These lands are well adapted to farming, and will be laid off into small and convenient lots; also sundry LOTS in Chester-town. The terms of the sale will be one third part of the purchase money, with interest thereon, from the day of sale, to be paid in one year from the said sale; one other third part of the said purchase money, with interest thereon from the day of sale, to be paid in two years from the said sale, and the residue of the said purchase money, and interest thereon from the day of sale, to be paid in three years from the said sale, with good and approved security; and upon full payment of the said purchase money and interest, the subscriber will execute to the purchaser or purchasers thereof, good and effectual conveyances of the same in fee-simple. The sale of Darland will commence on Monday, the 20th day of July next, if fair, if not the next fair day, at Mr. James Harris's, tenant on the land; Lloyd's-town on Wednesday the 22d following, if fair, if not the next fair day, at Mr. Edward Heathers's, living on the premises; and the lots in Chester-town, on Friday the 24th of the same month. ts

JAMES HINDMAN, Trustee.

Bennett's Point, Queen-Anne's county, May 5, 1789. 10X

THERE is at the plantation of REZIN MOBBELEY, living on Elk-Ridge, in Anne-Arundel county, taken up as a stray, a sorrel GELDING, about thirteen and an half hands high, branded on the near buttock thus G. has a star in his forehead, had on a small bell with a crack in it, shod before, has a very full mane, about seven years old, trots and gallops, and that very rough. The owner may have him again on proving property and paying charges. 2 w3

PUBLIC SALE.

To be SOLD, for ready cash, by virtue of a deed of trust, on Tuesday the 20th of October next, at 12 o'clock, at the house occupied by Mr. EDWARD JENKINS, in Charles county, (and formerly the property of the said Edward Jenkins) to wit:

ONE TRACT of LAND called BATCHELOR's HOPE, containing one hundred and eighty acres; one other TRACT of LAND called THE MAZE, containing two hundred and forty-nine acres; part of one other TRACT of LAND called PYE's HARDSHIFT, containing one hundred and sixty acres; also the LIFE ESTATE of the said EDWARD JENKINS and his sister SARAH BOWLING, in the three following TRACTS or PARCELS of LAND, to wit: one parcel called THE FOLLY, containing fifty-seven acres; one other parcel of LAND called THE COLT, containing forty-five acres, and one other parcel of LAND called OGDEN's CONTENT, containing one hundred and four acres; also twelve valuable NEGRO SLAVES, consisting of men, women and children. For further particulars apply to

w 6 JAMES MIDDLETON.

Charles county, June 4, 1789. 6X

VALUABLE LANDS,

In Washington county, Maryland, *For SALE, on CREDIT.*

On Tuesday the first day of September next will be SOLD, on the premises, at PUBLIC SALE,

THAT valuable TRACT of LAND called SALSBURY PLAINS, containing four thousand one hundred and twenty-two acres, situated in Washington county, nearly adjoining the town of Williams-Port, at the mouth of Conococheague, and within four miles of Hagar's-town. This tract of land is reputed to be as rich as any of the lands in that neighbourhood, has a sufficient proportion of wood land, and is well watered; it is advantageously situated for water works, and hath a stream from a large limestone spring running through it, sufficient to support them; it is convenient to market, the mouth of Conococheague, on Patowmack, being a good landing place, and the navigation of that river already so far improved as to admit of a water carriage to the Great Falls, within 14 miles of George-town. The lines of this tract of land are well established and ascertained, so as not to be in any manner affected by the variation of the compass. This tract of land will be divided into farms from 100 to 500 acres, and the terms of sale will be, that the purchasers shall pay one fourth of the price annually, with interest, until the whole be paid. The title is indisputable, and the land will be sold clear of all incumbrances. Bond with security to be given by the purchasers. Any person desirous of seeing the lands before the day of sale will be shewn them by Mr. PAUL HOYE, living on a part of the lands.

FRANCIS DEAKINS,
RICHARD POTTS.

Frederick county, Maryland, June 10, 1789.

At the same time and place will be offered for SALE, to the highest bidder, at four years credit,

FORTY thousand acres of LAND, in tracts, from 500 to 5000 acres, situated on Cheat river, near the western boundary line of Maryland, and convenient to the head navigation of Patowmack. The subscribers will be prepared to shew their titles.

6 FRANCIS DEAKINS,
WILLIAM DEAKINS.

Pursuant to the will of RICHARD BENNETT LLOYD, Esquire, deceased, the subscriber will EXPOSE to PUBLIC SALE, on the premises, on Monday the 27th of July next, if fair, if not the next fair day,

A PART of that very valuable TRACT of LAND called Worton Manor, in Kent county, delightfully situated on the Chesapeake Bay; the soil of this land can be exceeded by none, being well adapted to every species of grain, tobacco and grass; and what renders it still more valuable is the immense quantity of fine timber growing on it of every kind, a good navigation, and well situated for a variety of markets.—It will be laid off into small and convenient lots, and sold on a credit of three years, by annual instalments. Good and approved securities will be required.

ts JAMES HINDMAN, Trustee.

Bennett's Point, Queen-Anne's county, May 5, 1789. 10

NOTICE is hereby given to the officers and soldiers of the Maryland line, that a distribution of land will be made to them at Upper-Marlborough, in Prince-George's county, on the first and second of August next, agreeably to an act of assembly: and at the same time and place will be offered at PUBLIC SALE, about 1000 LOTS of LAND, of fifty acres each, for ready money or specie certificates of the state of Maryland. This land lies to the westward of Fort Cumberland. For a particular description thereof apply to captain Daniel Cresap, or Mr. John Tomlinson, who live near the same, by w3

DAVID LYNN,
DANIEL CRESAP,
BENJAMIN BROOKES, } Commissioners.

6X

ANNAPOLIS:
PRINTED by FREDERICK and SAMUEL GREEN.